

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

VACANT
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 19, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Vivian Rojas and Anthony W. Cobos. Late arrival: Paul J. Escobar. Meeting was called to order at 9:06 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL PHARMACY WEEK**
2. **BOWIE ALUMNI HOMECOMING WEEK**
3. **EL PASO FALL ARBOR DAY 2004**
4. **EL PASO'S 2004 DESALINATION CONFERENCE WEEK**

NO ACTION WAS TAKEN on the following item: Discussion: Regarding Political Science. [Anita Blair]

Ms. Anita Blair, citizen, and Mr. Martin Rubalcava, citizen, commented.

Mayor Joe Wardy spoke.

Representatives Austin and Cobos commented.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE**, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of October 12, 2004 and Special City Council Meeting of October 4, 2004 (Joint Meeting with the El Paso Water Utilities-Public Service Board).

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the Minutes for the Regular City Council Meeting of September 21, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Supplemental Lease Agreement between the City of El Paso, Texas and the United States of America, represented by U.S. Customs and Border Protection, extending Lease No. TC-69-I-32402 through September 30, 2006 for the facility located at 6812 Northrop

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Fifth Amendment to the Facilities Management and Tourism Agreement between the City of El Paso and SMG to provide for an additional year of management and operation services of the Visitor's Information Center located within the Airport Terminal Building at the El Paso International Airport.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City, an Appraisal Services Agreement by and between the CITY OF EL PASO and RALPH SELLERS & ASSOCIATES in an amount not to exceed \$5,550.00 to establish the value for properties legally described as being:

- Parcel 1: 61.5 sq. ft. of Tract 9D1, Block 34, Ysleta Grant
- Parcel 2: 6.2 sq. ft. of Lot 1, Childs Subdivision
- Parcel 3: 100.1 sq. ft. of Lot 8A, Replat of Childs Subdivision
- Parcel 4: 58.9 sq. ft. of Lot 9, Block 20, Second Amended Map of West Ysleta
- Parcel 5: 39.4 sq. ft. of Lot 1, Block 16, Second Amended Map of West Ysleta
- Parcel 6: .452 acre of Lot 5, Block 16, Second Amended Map of West Ysleta

located in the City of El Paso, El Paso County, Texas, to be used for the Dorbandt Street & Drainage Project.

Representative Rojas commented.

Ms. Patricia Aduato, Deputy City Manager for Building and Planning Services, commented.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 30th day of March, 2004, after due notice and hearing, ordered VINCENTA CALDERON, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons

having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 54, Corbin's Replat, municipally known and numbered as 100 Anita Circle,

to be \$7,858.51, performed by the Street Department of the City of El Paso, \$742.90 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$8,601.41. The City Council finds that the work was completed on the 17th day of June, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of EIGHT THOUSAND SIX HUNDRED ONE and 41/XX DOLLARS (\$8,601.41) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 4th day of May, 2004, after due notice and hearing, ordered OCTILLIO OCTAVIO, LUIS NAVARRO AND RICHARD STEARNS, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 19 and 20, Block 15, Franklin Height Addition, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 1107 Myrtle Avenue,

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 21st day of December, 1999, after due notice and hearing, ordered RAY LOPEZ, record Owner of the hereinafter described property that the Buildings be re-secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to re-secure the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to re-secure the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of re-securing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 30 & the South ½ of Lot 29, Block 1, second revised map of Mundy Heights, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume, Page 36 Plat Records of El Paso County, Texas, municipally known and numbered as 242 Porfirio Diaz Street,

to be \$660.82, performed by the Street Department of the City of El Paso, a total of \$660.82. The City Council finds that the work was completed on the 10th day of September, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SIX HUNDRED SIXTY and 82/XX DOLLARS (\$660.82) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 22nd day of July, 2003, after due notice and hearing, ordered JOSIE GALINDO, HELEN KNIGHT, REBECCA VALLES AYON, RICARDO VALLES, TITO VALLES, JR., OSCAR VALLES, JR., MANUEL VALLES, HORTENSI VALLES MORENO, DOLORES COOK, ROSA AVALOS, GLORIA CASTRO, JESSIE VALLES c/o GLORIA CASTRO, ANNA MARIA MENDOZA c/o GLORIA CASTRO, RUBEN VALLES, c/o GLORIA CASTRO, BOBBIE VALLES, c/o GLORIA CASTRO, DANIEL VALLES, c/o GLORIA CASTRO, JOHNNY JOE VALLES, c/o GLORIA CASTRO, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

Lot 31, Block 10, SKYVIEW SECTION 2, an Addition to the City of El Paso, El Paso County, Texas; according to the Map thereof on file in Book 14, Page 62, Plat Records of El Paso County, Texas; known and numbered as 9541 Rutledge

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **FIRE PARAMEDIC** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **7604**. The Grade shall be **FS 2**.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **FIRE MEDICAL LIEUTENANT** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **7603**. The Grade shall be **FS 4**.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **POLICE COMMANDER** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **7563**. The Grade shall be **P 6**.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **POLICE DEPUTY CHIEF** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **7566**. The Grade shall be **P 7**.

.....
*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **POLICE ASSISTANT CHIEF** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **7567**. The Grade shall be **P 8**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Consent to Assignment from U.S. TRAFFIC CORPORATION to PEEK TRAFFIC CORPORATION with respect to the City of El Paso's Contract No. 2003-113, Street Department Traffic Signal Heads.

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **LEA HUTCHINSON**, to assist the Zoo as Zoo Director at a biweekly rate of \$3,144.60. The term of the contract shall be for the period of October 20, 2004 through April 19, 2005.

Representatives Cobos, Escobar, Cushing, Austin, Lozano and Cook commented.

Ms. Joyce Wilson, City Manager, Ms. Debbie Hamlyn, Deputy City Manager for Quality of Life Services, and Ms. Lisa A. Elizondo, City Attorney, commented.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **DELETE** the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **LEA HUTCHINSON**, to assist the Zoo as Zoo Director at a biweekly rate of \$3,144.60. The term of the contract shall be for the period of October 20, 2004 through April 19, 2005.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** a Resolution that the Mayor be authorized to sign an Agreement with DESIGNER'S MART to provide One (1) Four cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** a Resolution that the Mayor be authorized to sign an Agreement with ANDALE TAQUERIA to provide One (1) Four (4) cubic yard Container for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** a Resolution that the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 6, Block 10, Delip Subdivision, being more particularly described in Volume 1791, Page 1925, Deed Records of El Paso County, Texas. (PID #D397-000-0100-0060)

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the item was placed on the agenda in error. The property is outside the City limits.

Mr. Ray Gilbert, citizen, commented.

.....

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

**Lots 5 and 6, (6000 sq. ft.), Block 42 Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, and known as 2121 Portland Ave.
(PID #H453-999-0420-1100)**

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 1 and 2, Block 37, Magoffin, an Addition to the City of El Paso, being more particularly described in Volume 459, Page 1829, deed Records of El Paso County, Texas. (M028-999-0370-0100)

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** a Resolution that the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

540.00 acres, more or less, Section 4, Abstract 6672, Block 6, Public School, being more particularly described in Volume 3895, Page 1308, Deed Records of El Paso County, Texas.
(PID #X606-000-0040-0000)

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the item was placed on the agenda in error. The property is outside the City limits.

Mayor Joe Wardy commented.

The following citizens commented:

Ms. Lisa Turner, and Mr. Martin Rubalcava.

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

1.293 acre, more or less, out of Tract 14P, Section 14, Block 81, Township 2, Texas and Pacific Railroad Surveys, an Addition to the City of El Paso, being more particularly described in Volume 994, Page 337, Deed Records of El Paso County, Texas. (PID #X581-999-2140-1499)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 8, Block 1, Hondo Village Subdivision, an Addition to the City of El Paso, being more particularly described in Volume 1113, Page 628, Deed Records, El Paso County, Texas . (PID #H760-999-0010-0800)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Tract 1: The West 17 feet of Lot 14 and all of Lots 15 and 16, Block 109, Grandview Addition to the City of El Paso, El Paso County, Texas, being more particularly described in Volume 1100, Page 1006, Deed Records of El Paso County, Texas. (PID #G686-999-1090-5101)

Tract 2: Lot 15 and 16 and the West 17 feet of Lot 14, Block 109, (Homesite), Grandview Addition to the City of El Paso, El Paso County, Texas, being more particularly described in Volume 1100, Page 1006, Deed Records of El Paso County, Texas. (PID #G686-999-1090-5100)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

The West 80 feet of the South 14 feet of Lot 6, Block 26, Sunset Heights, an Addition to the City of El Paso, El Paso County, Texas. (PID #S979-999-0260-2500)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

The North 40 feet of Lots 2 through 7, Block 34, Military Heights Addition, an Addition to the City of El Paso, being more particularly described in Volume 429, Page 175, Deed Records of El Paso County, Texas. (PID #M436-999-0340-1800)

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 74, Block 5, El Valle Addition, an addition to the City of El Paso, being more particularly described in Volume 996, Page 438, Deed Records of El Paso County, Texas. (PID #E416-999-0050-5700)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

.2865 acre more or less, situated in Tract 4, Block 5, Del Norte Acres Addition, an Addition to the City of El Paso, being more particularly described in Volume 1165, Page 268, Deed Records of El Paso County, Texas. (PID #D361-999-0050-5400)

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** a Resolution that the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 13, Block 2, Cedar Park, El Paso County, Texas. (PID #C309-000-0020-1400)

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the item was placed on the agenda in error. The property is outside the City limits.
.....

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

**Lot 19, La Calavera Settlement, being more particularly described in by the map of plat recorded in Volume 4, Page 31, Map Records of El Paso County, Texas.
(PID #L011-999-0000-5500)**

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Lot 26, Block 2, Orchard Park, an Addition to the City of El Paso, El Paso County, Texas. (PID #0263-999-0020-6400)

.....
***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of November, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3612 Fillmore Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 26 and 27, Block 91, Amended Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 33, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Celia Salas, 1375 Golden Trail Lane, El Paso, Texas 79936, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Walt Phillips to the Parks and Recreation Advisory Board by Representative John Cook, District 4.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Richard R. Torres to the History Museum Board by Representative Vivian Rojas, District 7.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Enriqueta Natividad to the City Accessibility Advisory Committee by Representative Vivian Rojas, District 7.

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to allocate THREE HUNDRED DOLLARS (\$300.00) from District IV Discretionary Funds to help fund the Veteran's Park Recreation Center's Halloween Party set for October 31st, 2004.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to purchase additional quantities pursuant to the terms of Contract No. 2004-158C for "Furnish & Install Airport Seating", with Airport Seating Alliance (Garavelli Enterprises, Inc.).

Department(s): Department of Aviation
Funds Available: 62620031-G620AIP0019-11508-508027
Funding Source: Airport Funds
Item(s): Item 1A:
32, 5-seat units (total of 180 seats),

Item 2A:
8, 2-seat units (total of 16 seats)

Award Amount: \$90,704.08

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda Best Value Procurement Bid No. 2004-226 Washing of Heavy Duty Equipment (Rebid).

Mr. Byron Johnson, Director of Purchasing, Mr. Jeffrey Belles, Director of Fleet Services, Ms. Ruth Reyes, Assistant City Attorney, Ms. Lisa Elizondo, City Attorney, and Ms. Joyce Wilson, City Manager, commented.

Representatives Cobos, Cushing, and Cook commented.

Mayor Joe Wardy commented.

Mr. David Escobar, attorney representing Horizon Truck Wash, commented.

1st Motion:

Motion made by Representative Austin, seconded by Representative Rojas to approve Bid No. 2004-226 Washing of Heavy Duty Equipment (Rebid)

AYES: Representatives Austin, Cushing, and Rojas

NAYS: Representatives Cushing, Lozano, Cook, and Cobos

The motion failed.

2nd Motion:

Motion made by Representative Cobos, seconded by Representative Cushing and carried to **REJECT ALL BIDS** for Bid No. 2004-226 Washing of Heavy Duty Equipment (Rebid)

Award to: A & E Truck & Car Wash
El Paso, TX
Item (s): All
Amount: \$150,000.00 (estimated yearly)

Department: Fleet Services
Funds available: 37370510-45202-503125
Funding source: Fleet Services-Inventory Sales- Equipment Outside Repairs
Total award: \$450,000.00 (estimated)

The Fleet Services Department and Purchasing Departments recommend award as indicated, on the basis of Best Value Procurement.

This is a thirty-six (36) month contract with the option to extend the term of the contract one additional year.

AYES: Representatives Austin, Cushing, Lozano, Escobar and Cobos

NAYS: Representatives Cook and Rojas

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of KLAQ Radio to hold a 19th Annual Halloween parade on October 31, 2004 from 2:30 p.m. to 5:00 p.m. Route: Start at the South entrance to Album Park off Album Street; proceed out of the park, west on Album Street to Cork Drive, turn left on Cork Drive to Daphne, turn right on Daphne to Fir St., turn left on Fir St. to Bermuda Drive, turn right on Bermuda Drive to Zanzibar, turn left on Zanzibar to Album, turn right on Album and finish at the Album Park. Approximately 1,500 persons, 75 vehicles will take part and 15,000 spectators are anticipated. This request includes permission to use amplification (P.A. system at start and end of the parade route only). PERMIT NO. 04-132 [Connie M. Hernandez]
.....

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Sacred Heart Church to block off Father Rahm between Mesa and Oregon on October 23, 2004 from 10:00 a.m. to 10:00 p.m. and October 24, 2004 from 10:00 a.m. to 10:00 p.m. Approximately 150 persons will take part and 1,000 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Devices." This request includes permission to use amplification (4 speakers & 1 microphone). PERMIT NO. 04-131 [Father Rafael Garcia]
.....

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Loretto Academy to hold a foot race/walk on October 23, 2004 from 9:00 a.m. to 10:30 a.m. Route: Start at 1300 Hardaway to Bliss, turn left on Bliss, turn right on Radford, proceed on Radford to Leeds, turn right on Leeds, turn right on Hawley, turn right on Howze, turn right on Hastings, turn left on Cumberland, turn right on Graham, turn right on Raynolds, proceed on Raynolds to Clifton, turn right on Clifton, turn right on Radford, turn right on Trowbridge, turn right on Hardaway and finish at 1300 Hardaway. Approximately 150 persons will take part and 50 spectators are anticipated. PERMIT NO. 04-133 [Alejandrina Morton]
.....

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of Riverside High School to hold a homecoming parade on October 21, 2004 from 6:00 p.m. to 7:30 p.m. Route: Start at the school parking lot on Midway and Knights, proceed on Knights to Jersey, turn left on Jersey to Bernadine, turn left on Bernadine to Knights, turn right on Knights and finish at the south side school parking lot. Approximately 200 persons, 25 vehicles will take part and 1,000 spectators are anticipated. PERMIT NO. 04-135 [Jan L. Herron]
.....

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of El Paso Bell FCU to use amplification (2 speakers, 1 microphone, and 1 amplifier) at Vista Del Valle Park-1288 Hawkins on October 23, 2004 from 11:00 a.m. to 3:00 p.m. for a kid's carnival. Approximately 30 persons will take part and 100 spectators are anticipated. PERMIT NO. 04-142 [Melissa Valverde]
.....

NO ACTION WAS TAKEN on the discussion and action to commence condemnation proceedings on the Clardy Fox Library due to the fact that this structure has not been maintained in a safe manner, neighboring residents have complained of vagrants and criminal activity which puts the neighborhood in danger, and, is currently in violation of the El Paso Municipal Code, Chapter 18.52.040 - Unsafe Structures - Remedial action by owner of City defines unsafe structure as a structure of part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

Representatives Lozano, Cook, and Austin commented.

Mayor Joe Wardy commented.

Mr. Thomas Maguire, Building Permits and Inspections, Ms. Lisa Elizondo, City Attorney, and Ms. Joyce Wilson, City Manager, commented.

Mr. Martin Rubalcava, citizen, and Mr. David Escobar, Housing Authority of the City of El Paso Board Member, commented.

.....
Motion made by Representative Lozano, seconded by Representative Cobos and carried to **APPROVE** the appeal of Lucy Hernandez of El Buen Tamal at 7200 Dale Road for the sale of alcoholic beverages due to the business's proximity to a church in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code with the finding that otherwise it would create an undue hardship.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar and Cobos
NAYS: Representative Rojas

Mr. Alan Shubert, Director of Building Permits and Inspections, commented.

Mr. Ray Bonilla, Building Permits and Inspections, commented and interpreted for Ms. Lucy Hernandez, restaurateur.

Ms. Hernandez commented.

Representatives Lozano, Escobar, Austin, and Rojas commented.

Ms. Lisa Hayes, Assistant City Attorney, gave legal advice.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** an expanded annual independent financial audit. The City Manager will coordinate with KPMG, the City's external audit firm, the expansion of an audit on the financial statements and other matters for the fiscal year ended August 31, 2004. KPMG will review focus areas identified by the City Manager, with the concurrence of City Council, in order to provide guidance and assurance in the financial matters of the City of El Paso.
.....

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a land study application and all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such application.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action authorizing the El Paso Water Utilities - Public Service Board to submit a request for modifications to the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and to submit all related documents for City-owned property located North and South of Transmountain Road and West of the Franklin Mountains State Park in the Northwest Planning Area; and that the Planning, Research & Development Department be authorized to accept and process such request.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone two (2) weeks a public hearing to determine if the property located at 8313 Hester Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 2004. The owner of this property, Adolfo I. Castillo, C/O J. Eduardo Cadena, 1017 Montana Avenue, El Paso, Texas 79902, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to **POSTPONE EIGHT (8) WEEKS** a public hearing to determine if the property located at 3310 Bisbee Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated May 3rd, 2004. The owners of this property, Benjamin Garcia, 16029 Palomino Street, El Paso, Texas 79924 and Charles Leroy Garcia, 10125 Potomac Drive, El Paso, Texas 79925, as Co-Administrators of the Estate of Carlos Garcia, deceased, have been notified of the violations at this property. Delinquent taxes in the amount of \$8,020.63.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and read the Department's recommendations into the record.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, commented.

Mr. Benjamin Garcia, property owner, commented.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** an ordinance amending Title 18 (Building and Construction) of the El Paso Municipal Code, by deleting Chapter 18.52 (Unsafe Structures and Conditions) and creating Chapter 18.50 (Property Maintenance Code), and adopting the 2003 edition of the International Property Maintenance Code to provide minimum requirements and standards for the use, occupancy and maintenance of existing structures and premises. The penalty being as provided in Section 18.02.107 of the code.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** an ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.38 (Building and Standards Commission), pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50 without further appeal to City Council. The penalty being as provided in Section 2.38.110 of the code.

ORDINANCE 15919

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), TO AMEND CHAPTER 13.30 (FILM-MAKING EVENTS), OF THE EL PASO MUNICIPAL CODE; BY REVISING LANGUAGE PERTAINING TO APPROVAL OF PROPERTY OWNERS ABUTTING A FILM MAKING EVENTS LOCATION; THE PENALTY BEING AS PROVIDED IN SECTION 13.30.110 OF THE MUNICIPAL CODE.**

Ms. Joyce Wilson, City Manager, and Mr. David Dobson, Director of Economic Development, commented.

Representatives Cushing, Austin, Lozano, Rojas, and Cobos commented.

Mayor Joe Wardy commented.

The following citizens commented:

Ms. Lisa Turner; Mr. Martin Rubalcava, and Ms. Anita Blair.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS:	None
ABSENT:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15920

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III-PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO REVISE SUBPARAGRAPH 382 TO READ FESTIVAL DRIVE ON THE SOUTH SIDE FROM MESA STREET (SH-20) TO STANTON STREET AND ON THE NORTH SIDE FROM MESA STREET TO A POINT 950 FEET EAST THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, gave a Powerpoint presentation and commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS:	ABSENT: None
NOT PRESENT FOR THE VOTE:	Council Member Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15921

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III-PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO REVISE SUBPARAGRAPH 324 TO READ BOTH SIDES OF JAMES WATT DRIVE, FROM LEE TREVINO DRIVE TO GOODYEAR DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, gave a Powerpoint presentation and commented.

Representative Rojas commented.

Mr. Charles Dews, representing El Paso Cross Dock, commented.

Mr. Thomas Davis, representing SAIA Motor Freight Lines, commented.

Mr. Carlos Leon, representing NCEP Sahara, commented.

Mr. Martin Rubalcava, citizen, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None ABSENT: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15922

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 14, EFFICIENCY RATINGS, SECTION 7, APPEALS, TO CHANGE THE PROCESS AND PROCEDURES FOR APPEALS.**

Mr. Martin Rubalcava, citizen, commented.

Representatives Cushing and Cook commented.

Ms. Terry A. Bond, Director of Human Resources, and Ms. Lisa A. Elizondo, City Attorney, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Escobar, Rojas and Cobos
NAYS: Council Member Cook Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15923

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A QUITCLAIM DEED PURSUANT TO ORDINANCE 1856 WHICH VACATED CERTAIN LANDS DESCRIBED AS A PORTION OF SAVAGE STREET OUT OF BLOCK 28, ALEXANDER ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, and Rojas
NAYS: None ABSENT: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15924

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 112, VISTA DEL SOL UNIT 16, EL PASO, EL PASO COUNTY, TEXAS (11129 PELICANO DRIVE) FROM P-I (PLANNED INDUSTRIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Mr. Conrad Conde, representing Grys Group LLC, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Rojas, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, and Rojas
NAYS: None ABSENT: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ADDITION TO THE AGENDA

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the taxpayers of El Paso voted to approve Proposition No. 3 during the Bond Election on February 7, 2004; and

WHEREAS, this approval appropriated an amount of \$468,197 for the preparation of an engineering feasibility study for the proposed extension of Airway from I-10 East (Gateway Blvd East) to Delta; and

WHEREAS, this proposed extension of Airway from I-10 East (Gateway Blvd East) to Delta will be the building block for community revitalization and sustainable urban development and redevelopment; and

WHEREAS, this site can be turned into productive use following the guidelines of economic development for parts of El Paso to include the El Paso International Airport, Delta and Alameda, Ascarate Park, and the Border Freeway; and

WHEREAS, Western Refining has expressed interest in negotiating a formal agreement with the City in which Western will deed to the City certain land, currently on Western property, which will allow the City to extend Airway Boulevard from its intersection of Interstate 10 (Gateway Blvd East) to Delta Drive; and

WHEREAS, Western Refining, Phelps Dodge, and TXDOT would develop a strategic plan for the extension of Airways to Delta; and

WHEREAS, this unused property would lead to future job creation due to expansion of businesses along this route and community development; and

WHEREAS, this extension would become a valuable community resource through redevelopment bringing important future benefits to City El Paso as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the City Manager, subject to the findings of the City's "Airway Feasibility Study" and the appropriate land acquisition procedures, be authorized to enter into a formal agreement to commence negotiations with Western Refining in which Western Refining will deed to the City certain land, currently on Western Refining Property, which will allow the City to extend Airway Boulevard from its intersection of Interstate 10 to Delta Drive.

Mayor Joe Wardy commented and read the Resolution into the record.

Ms. Patricia Aauto, Deputy City Manager for Building and Planning Services, and Ms. Terri Cullen-Garney, Deputy City Attorney, commented.

Representatives Lozano, Austin, Cook, and Cobos commented.

Mr. Martin Rubalcava, citizen, spoke.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **APPROVE** the above Resolution as **REVISED**.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Adeline Rogers to the Greater El Paso Civic Convention and Tourism Advisory Board by Representative Jose Alexandro Lozano, District 3.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the following executive session item:

Housing Authority of the City of El Paso vs. City of El Paso, Cause No. 2003-3099 (551.071)

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:46 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 21B.** Subrogation Interest Regarding Jesus Rios (551.071)
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]
- 21C.** DISCUSSION AND ACTION on Roberto and Luz Soriano, Individually and as the Parents of Victor Soriano and Robert Soriano vs. The City of El Paso, Cause No. 2002-5590 (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session at 1:09 p.m. and reconvene the meeting of the City Council, during which time motions were made.

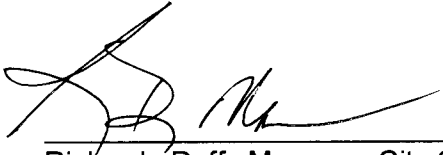
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City **SETTLE** its subrogation interest in the claim of JESUS RIOS, as recommended by the City Attorney, and that the appropriate Assistant City Attorney be authorized to sign all necessary settlement documents on behalf of the City.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney **be authorized settlement authority in the case entitled Roberto and Luz Soriano, Individually and as the Parents of Victor Soriano and Robert Soriano v. The City of El Paso, Cause No. 2002-5590** as recommended by the City Attorney's Office, and to authorize the City Attorney or the appropriate Assistant City Attorney to execute any appropriate documents to effectuate that authority.

Jim Martinez, Assistant City Attorney, read revisions into the record.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:11 p.m.

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk